August 20, 2003

Air Docket,
Environmental Protection Agency,
Mailcode: 6102T,
1200 Pennsylvania Ave., NW.,
Washington, DC, 20460,
Attention Docket ID No. OAR-2003-0046.

By Facsimile. (202) 566-1741,
Attention Docket ID. No. OAR-2003-0046.

"LATE COMMENTS"

Dear Sir(s):

EPA is proposing to revise the definition of nonroad engines to include all diesel-powered engines used in agricultural operations in the State of California that are certified by the engine maker to meet the applicable nonroad emission standards. Under this proposed rule, such engines would be considered nonroad engines without regard to whether these engines are portable or transportable or how long these engines remain in one fixed location at a farm.

Nearly two million people farm or ranch in the United States and nearly 90 percent of U.S. farms are operated by individuals or family corporations and more than 15 percent of the U.S. population is employed in farm or farm-related jobs, including production agriculture, farm inputs, processing and marketing, and wholesale and retail sales. The agricultural industry in the State of California has done much to reduce the emission from diesel powered irrigation engines. For instance the agricultural community in the San Joaquin Valley has replaced or retrofitted over 2,000 irrigation pump engines, thereby reducing NOx emissions by over 2,500 tons per year. As President of the San Joaquin Valley Association Of Certified Air Permitting Professionals, I can attest that I have the professional experience in air permitting; and as a member of he American Society Of Agronomy I can attest to having the necessary farming experience and agronomic practice knowledge to conclude that the imposition of New and Modified Source Review with the potential for offsets and public noticing and administrative processing timelines on irrigation engines, as is the case presently, would have significant negative impact on crop production. Irrigation internal combustion engine pumps operate on the farm in the same manner as tractors and implements, i.e. timely application of absolutely necessary agronomic practices. In this case the application of water is an absolute necessity for the growing of crops. My past experience indicates that the federal bureaucracy does not necessarily understand that delay in water application causes the loss of the crop and that farmers are unable to pass their costs on to customers.

In my opinion, imposing a time consuming and burdensome regulatory program on production agriculture was not the intention of Congress. I do not believe that it was the intent of my congressional representative to impose a permit issuance and public comment time line on farm production. For instance, if an engine needs to be replaced the crop cannot wait 45 days for public comment, or wait months for offsets to be provided, or to subject farmers to criminal prosecution for replacing or repairing an irrigation pump when his entire livelihood is dependent on watering his crop. The function and importance of an IC irrigation is the same as a tractor, or harvester, or cultivator, in agronomic practices, even more so in that the crop cannot survive without water.

I support this action, irrigation IC engines as defined in this rule are nonroad engines suitable for regulation under Title II of the federal Clean Air Act.

Thank you,

Dennis C. Tristao

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Cc: Manuel Cunha, Nisei Farmers League